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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,513	04/10/2001	Reza S. Bundy	020582-000600US	2460

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EXAMINER
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KRAMER, JAMES A

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 05/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/832,513

Applicant(s)

BUNDY ET AL.

Examiner

James A. Kramer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_.

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Godin et al. (hereinafter Godin).

Godin teaches a computer auction system that includes a registration module that confirms the credit of a purchaser (column 2; lines 15-25) this system serves as a gatekeeper to bidding qualification. The system further includes a database of product information including multimedia descriptions of the product to be auctioned, as well as a bidding module that is able to process bids. Finally the system has a notification module that notifies winning bidders when their bid is successful.

While the invention of Godin teaches a reverse action process, Godin does teach that the standard auction process involves users bidding for a particular product and the product is sold to the highest bidder. This type of auction would be used to provide users with familiarity and comfort in terms of them being able to participate in an auction they are used to. Therefore It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a registration means serving as a gatekeeper, maintain a database with product data and have a notification module to notify users when they have bid successfully as taught by Godin in a normal (high bidder wins) auction in order for users to feel comfortable in an auction they have used before.

Godin does not teach an assurance module. However it is old and well know in the art of buy and selling used products to include warranty information on the product you are about to sell in order to assure a buyer of the quality of the product. Most notably, this happens with used

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cars, where a used car dealership will offer a warranty on any used car purchased. Therefore It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include an assurance module that stores warranty information about the products being sold as is old and well known in the art to the database of Godin in order for users to be assured of bidding on a quality piece of equipment.

Godin does not teach using the auction system specifically for the sale or heavy equipment items. The auctioning of heavy equipment items is old and well known in the art as a way for companies to either off load equipment they no longer need or for a company to acquire a piece of equipment they need at a reduced cost. Therefore, It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the auction system of Godin to auction heavy equipment items in order for companies to either off load equipment they no longer need or to acquire they need at a reduced cost.

Godin does not teach a search feature that allows users to search the auction site for products they might like to purchase. It is old and well known in the business methods art to perform on-line searches of web-site databases. This service is available through Google or Yahoo. These sites allow a user to not only search the entire World Wide Web but can be customized to search only within a particular domain. This allows users at a particular site to find information they are looking for quickly and efficiently. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a search feature as is old and well known in the art, to search the databases of Godin, in order for users to quickly and efficiently find items they would like to bid on.

### ***Information Disclosure Statement***

37 CFR 1.98 Content of information disclosure statement.

(b)(5) Each publication listed in an information disclosure statement must be identified by publisher, author (if any), title, relevant pages of the publication, date and place of publication.

Several publications in Applicants IDS fail to conform to the above noted requirements. In particular items AX, AY and AZ fail to include the date made available to the public. Instead

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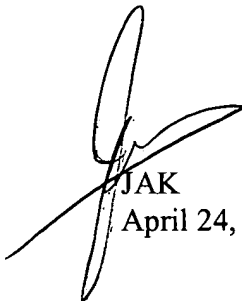
Applicant has provide the date they were printed, since this does not represent the date they were first made available to the public Examiner can not consider these publications.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (703) 305-5241. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

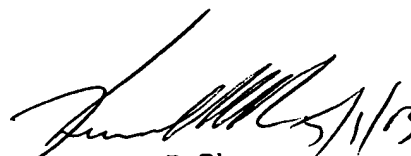
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (703) 305-4716. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-3687 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



JAK  
April 24, 2003

James A. Kramer  
Examiner  
Art Unit 3627



Kenneth R. Rice  
Primary Examiner